

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ZARA HUDSON, et al.,

Plaintiffs,

V.

ALCOA INC.,

Defendant.

Case No. 1:08-CV-2635

JUDGE ANN ALDRICH

MEMORANDUM AND ORDER

Before this court is defendant Alcoa, Inc.’S (“Alcoa”) motion to stay the proceedings pending the Supreme Court of Ohio’s decision in *Kiminski v. Metal & Wire Products Company*, Ohio Sup. Ct. Case No. 2008-0857. That case has been pending before the Supreme Court of Ohio since May 2, 2008 and was argued on February 18, 2009. [Dkt. 22, at 2]. Plaintiffs Zara and Leonora Hudson (the “Hudsons”) oppose the motion. In their response, the Hudsons claim that “*Kiminski* will be decided shortly and a stay is unnecessary.”

[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.

Landis v. North American Co., 299 U.S. 248, 254-255 (1936). In determining whether a stay should be granted, a court should weigh “the potentiality of another case having a dispositive effect on the case to be stayed, the judicial economy to be saved by waiting on a dispositive decision, the public welfare, and the hardship/prejudice to the party opposing the stay, given its duration.” *Michael v. Ghee*, 325 F.Supp.2d 829, 831 (2004) (citing *Landis*, 299 U.S. at 255).

Here, the factors weigh in favor of granting a stay. Both parties agree that *Kiminski* will have a dispositive effect on this litigation. In addition, judicial economy will be served by waiting on the forthcoming *Kiminski* decision, and plaintiffs will not likely suffer prejudice by waiting on the decision.

Trial is currently set for June 28, 2010. A decision in *Kiminski* may be issued well in advance of that date.

Accordingly, Alcoa's motion is granted and the case is stayed. This court directs the parties to immediately inform the court when a decision in *Kiminski* has been issued. Upon notification of the parties on the decision this court will reopen the case on its active docket.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: January 26, 2010